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9
10 Attorneys for Defendant
AMAZON.COM, INC.

11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION**

14 CALIFORNIA AUTOMOBILE
15 INSURANCE COMPANY,

16 Plaintiff,

17 v.

18 AMAZON.COM, INC., and DOES 1
19 TO 10, inclusive,

20 Defendants.

Case No.

**DEFENDANT AMAZON.COM,
INC.’S NOTICE OF REMOVAL**

[Removed from the Superior Court of
the State of California for the County of
San Bernardino, Case No.
CIVSB2206620]

1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

2 **PLEASE TAKE NOTICE** that defendant Amazon.com, Inc. (“Amazon”)
 3 removes this civil action from the Superior Court of the State of California, County
 4 of San Bernardino, to the United States District Court for the Eastern District of
 5 California, under 28 U.S.C. §§ 1332, 1441, and 1446. Diversity jurisdiction exists
 6 because there is complete diversity and the amount in controversy exceeds \$75,000.

7 **I. INTRODUCTION**

8 1. This is a subrogation action in which Plaintiff California Automobile
 9 Insurance Company (“Plaintiff”) is seeking to recover damages for alleged property
 10 damage under product liability theories.

11 2. Plaintiff filed its Complaint on March 23, 2022, in the Superior Court
 12 of the State of California, County of San Bernardino, Case No. CIVSB2206620. A
 13 true and correct copy of the Complaint is attached hereto as **Exhibit 1**.

14 **II. THIS CASE IS REMOVABLE UNDER DIVERSITY JURISDICTION**

15 3. This action is removable under 28 U.S.C. § 1441 because this Court
 16 would have had original jurisdiction under 28 U.S.C. § 1332 had Plaintiff filed this
 17 action initially in federal court. Plaintiff is not a citizen of the same state as any of
 18 the defendants, and the amount in controversy exceeds \$75,000, exclusive of interest
 19 and costs.

20 4. For the purposes of diversity jurisdiction, a corporation is a citizen of its
 21 state of incorporation and of the state in which it has its principal place of business.
 22 28 U.S.C. § 1332(c)(1).

23 5. Plaintiff California Automobile Insurance Company is incorporated
 24 under the laws of California and has its principal place of business in California. It
 25 is therefore a citizen of California.

26 6. Defendant Amazon.com, Inc. is incorporated under the laws of
 27 Delaware and its principal place of business is in Washington. It is therefore a citizen
 28 of Delaware and Washington.

1 7. The defendants identified as Does 1 through 10 in the Complaint are
 2 fictitious parties against whom no cause of action can be validly alleged. To the best
 3 of Amazon's information and belief, no fictitiously designated defendant has been
 4 served with process, and these fictitious parties may be ignored for purposes of
 5 determining removal.

6 8. Complete diversity exists because Plaintiff is a citizen of California
 7 while Amazon is a citizen of Delaware and Washington.

8 9. Plaintiff seeks damages in the amount of \$343,975.73. *See* Compl.,
 9 ¶ 11. Therefore, Plaintiff's claims involve an amount in controversy in excess of
 10 \$75,000, exclusive of interest and costs.

11 **III. ALL SERVED DEFENDANTS CONSENT TO REMOVAL**

12 10. Amazon, the removing party, is the only named and served defendant as
 13 of the filing of this Notice of Removal.

14 **IV. THIS FILING IS TIMELY**

15 11. Plaintiff served Amazon on June 7, 2022. Pursuant to 28 U.S.C.
 16 § 1446(b), Amazon filed this Notice of Removal within thirty (30) days after it was
 17 served. Removal of this action is therefore timely. *See* 28 U.S.C. § 1446(b).

18 **V. VENUE OF REMOVED ACTION**

19 12. The Central District of California is the United States district court for
 20 the district and division embracing the state court where this action was filed and is
 21 pending. Venue is proper in this Court under 28 U.S.C. § 1441(a).

22 **VI. NOTICE TO THE STATE COURT**

23 13. A copy of this Notice of Removal is being served on all parties and filed
 24 with the Superior Court of the State of California, County of San Bernardino, where
 25 this case was originally filed.

VII. PLEADINGS IN THE STATE COURT ACTION

14. All process, pleadings, and orders served upon Amazon in this action are attached as **Exhibit 1**. A true and correct copy of the San Bernardino County Superior Court docket for this action is attached as **Exhibit 2**.

VIII. NON-WAIVER OF DEFENSES

15. Amazon expressly reserves all of its defenses. By removing the action to this Court, Amazon does not waive any rights or defenses available under federal or state law. Amazon expressly reserves the right to move for dismissal of the Complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. Nothing in this Notice of Removal should be taken as an admission that Plaintiff's allegations are sufficient to state a claim against Amazon or have any substantive merit.

16. Undersigned counsel states that this removal is well grounded in fact, warranted by existing law, and not interposed for an improper purpose.

WHEREFORE, Amazon hereby removes the above-entitled case to the United States District Court for the Central District of California, and seeks resolution by this Court of all issues raised herein.

Dated: July 5, 2022

Respectfully submitted,

PERKINS COIE LLP

By: /s/ Simon M. Feng

M Ray Hartman III, Bar No. 211205
Simon M. Feng, Bar No. 295360

Attorneys for Defendant
AMAZON.COM, INC.

PROOF OF SERVICE

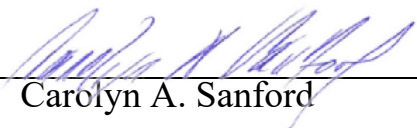
The undersigned hereby certifies under penalty of perjury under the laws of the State of California that, on July 5, 2022, she caused to be served on the person(s) listed below in the manner shown:

DEFENDANT AMAZON.COM, INC.'S NOTICE OF REMOVAL

Kellie L. Terhufen, Esq.
Geoffrey A. Kraemer, Esq.
Law Offices of Robert A. Stutman, P.C.
1260 Corona Pointe Court, Suite 306
Corona, California 92879
Telephone: 951.387.4700
Facsimile: 951.963.1298
Email: TerhufenK@Stutmanlaw.com
KraemerG@Stutmanlaw.com
Attorneys for Plaintiff
CALIFORNIA AUTOMOBILE INSURANCE COMPANY

- ☒ United States Mail, First Class
☐ By Messenger
☐ By Facsimile
☐ By E-Mail

Dated at Los Angeles, California, this 5th day of July, 2022.



Carolyn A. Sanford

EXHIBIT 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Geoffrey A. Kraemer, Esq., SBN 298220/Kellie L. Terhufen, Esq., SBN 112545 Law Offices of Robert A. Stutman, P.C. 1260 Corona Pointe Court, Suite 306, Corona, CA 92879 TELEPHONE NO.: 951.387.4700 FAX NO. (Optional): 951.963.1298 E-MAIL ADDRESS: KraemerG@Stutmanlaw.com/TerhufenK@Stutmanlaw.com ATTORNEY FOR (Name): Plaintiff California Automobile Insurance Company		CM-010 FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT MAR 23 2022 BY <u>Michael Welch II</u> MICHAEL WELCH II, DEPUTY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO STREET ADDRESS: 247 West Third Street MAILING ADDRESS: 247 West Third Street CITY AND ZIP CODE: San Bernardino BRANCH NAME: San Bernardino District - Civil Division		CASE NAME: California Automobile Insurance Company v. Amazon.com, Inc., et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
		CASE NUMBER: CVSB 2206620 JUDGE: DEPT.:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): One: Product Liability
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: March 22, 2022

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

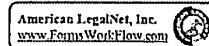
NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
 Judicial Council of California
 CM-010 [Rev. September 1, 2021]

CIVIL CASE COVER SHEET

Page 1 of 2
 Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;
 Cal. Standards of Judicial Administration, std. 3.10
www.courts.ca.gov



SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
AMAZON.COM, INC., AND DOES 1 TO 10, INCLUSIVE

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
CALIFORNIA AUTOMOBILE INSURANCE COMPANY

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

APR 11 2022

BY Michael Welch II
MICHAEL WELCH II, DEPUTY

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California, County San Bernardino
247 West Third Street
San Bernardino, CA
San Bernardino District - Civil Division

CASE NUMBER:
(Número del Caso)
CIV SB 2206620

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Geoffrey A. Kraemer, Esq., Kellie L. Terhufen, Esq., Law Offices of Robert A. Stutman, P.C.,
1260 Corona Pointe Court, Suite 306, Corona, CA 92879; Telephone: 951.387.4700; Facsimile: 951.963.1298

DATE: **APR 11 2022**
(Fecha)

Clerk, by Michael Welch II, Deputy
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

Copy

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): Amazon.com Inc
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☒ by personal delivery on (date): 6/7/22

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

CALIFORNIA AUTOMOBILE INSURANCE
COMPANYCase No.: **CIV SB 2206620**vs.
AMAZON.COM, INC., AND DOES 1 TO 10
INCLUSIVE

CERTIFICATE OF ASSIGNMENT

A civil action or proceeding presented for filing must be accompanied by this Certificate. If the ground is the residence of a party, name and residence shall be stated.

The undersigned declares that the above-entitled matter is filed for proceedings in the
San Bernardino District of the Superior Court under Rule 131 and General Order
of this court for the checked reason:

- | | |
|---|---|
| <input type="checkbox"/> General | <input type="checkbox"/> Collection |
| Nature of Action | Ground |
| <input type="checkbox"/> 1. Adoption | Petitioner resides within the district |
| <input type="checkbox"/> 2. Conservator | Petitioner or conservatee resides within the district. |
| <input type="checkbox"/> 3. Contract | Performance in the district is expressly provided for. |
| <input type="checkbox"/> 4. Equity | The cause of action arose within the district. |
| <input type="checkbox"/> 5. Eminent Domain | The property is located within the district. |
| <input type="checkbox"/> 6. Family Law | Plaintiff, defendant, petitioner or respondent resides within the district. |
| <input type="checkbox"/> 7. Guardianship | Petitioner or ward resides within the district or has property within the district. |
| <input type="checkbox"/> 8. Harassment | Plaintiff, defendant, petitioner or respondent resides within the district. |
| <input type="checkbox"/> 9. Mandate | The defendant functions wholly within the district. |
| <input type="checkbox"/> 10. Name Change | The petitioner resides within the district. |
| <input type="checkbox"/> 11. Personal Injury | The injury occurred within the district. |
| <input checked="" type="checkbox"/> 12. Personal Property | The property is located within the district. |
| <input type="checkbox"/> 13. Probate | Decedent resided or resides within or had property within the district. |
| <input type="checkbox"/> 14. Prohibition | The defendant functions wholly within the district. |
| <input type="checkbox"/> 15. Review | The defendant functions wholly within the district. |
| <input type="checkbox"/> 16. Title to Real Property | The property is located within the district. |
| <input type="checkbox"/> 17. Transferred Action | The lower court is located within the district. |
| <input type="checkbox"/> 18. Unlawful Detainer | The property is located within the district. |
| <input type="checkbox"/> 19. Domestic Violence | The petitioner, defendant, plaintiff or respondent resides within the district. |
| <input type="checkbox"/> 20. Other | |
| <input type="checkbox"/> 21. THIS FILING WOULD | NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT |

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above-designed district is:

<u>Personal Property</u>	<u>21239 Vidal Street</u>
NAME - INDICATE TITLE OR OTHER QUALIFYING FACTOR	ADDRESS
<u>Apple Valley</u>	<u>CA</u>
CITY	STATE
	<u>92308</u>
	ZIP CODE

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was executed on March 22, 2022 at Brea, California.

 Signature of Attorney/Party

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Kellie L. Terhufen, Esq., SBN 112545/Geoffrey A. Kraemer, Esq., SBN 298220 Law Offices of Robert A. Stutman, P.C. 1260 Corona Pointe Court, Suite 306 Corona, CA 92879 TELEPHONE NO: 951.387.4700 FAX NO. (Optional): 951.963.1298 E-MAIL ADDRESS (Optional): TerhufenK@Stutmanlaw.com/KraemerG@Stutmanlaw.com ATTORNEY FOR (Name): Plaintiff California Automobile Insurance Company		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT MAR 23 2022 BY <u>Michael Welch II</u> MICHAEL WELCH II, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Bernardino STREET ADDRESS: 247 West Third Street MAILING ADDRESS: 247 West Third Street CITY AND ZIP CODE: San Bernardino 92415 BRANCH NAME: San Bernardino District - Civil Division		
PLAINTIFF: California Automobile Insurance Company DEFENDANT: Amazon.com, Inc., and		
<input checked="" type="checkbox"/> DOES 1 TO 10, inclusive		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): Product Liability <input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: CIV SB 2206620 \$435 SC-2022-23128 mw

1. Plaintiff (name or names): California Automobile Insurance Company
 alleges causes of action against defendant (name or names): Amazon.com, Inc., and Does 1 to 10, inclusive

2. This pleading, including attachments and exhibits, consists of the following number of pages: 4
3. Each plaintiff named above is a competent adult

- a. ☒ except plaintiff (name): California Automobile Insurance Company
- (1) ☒ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
- b. ☐ except plaintiff (name):
- (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

BY FAX

PLD-PI-001

SHORT TITLE:
California Automobile Insurance Company v. Amazon.com, Inc., et al.

CASE NUMBER:
CIV SB 2206620

4. ☐ Plaintiff (name):
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): Amazon.com, Inc.
 (1) ☐ a business organization, form unknown
 (2) ☒ a corporation
 (3) ☐ an unincorporated entity (describe):

 (4) ☐ a public entity (describe):
 (5) ☐ other (specify):
- c. ☐ except defendant (name):
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):

 (4) ☐ a public entity (describe):
 (5) ☐ other (specify):
- b. ☐ except defendant (name):
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):

 (4) ☐ a public entity (describe):
 (5) ☐ other (specify):
- d. ☐ except defendant (name):
 (1) ☐ a business organization, form unknown
 (2) ☐ a corporation
 (3) ☐ an unincorporated entity (describe):

 (4) ☐ a public entity (describe):
 (5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
 a. ☒ Doe defendants (specify Doe numbers): 1 to 10 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
 b. ☒ Doe defendants (specify Doe numbers): 1 to 10 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
 a. ☐ at least one defendant now resides in its jurisdictional area.
 b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
 c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.
 d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
 a. ☐ has complied with applicable claims statutes, or
 b. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:

California Automobile Insurance Company v. Amazon.com, Inc., et al.

CASE NUMBER:

CIV SB 2206620

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☐ General Negligence
- c. ☐ Intentional Tort
- d. ☒ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☐ wage loss
- b. ☐ loss of use of property
- c. ☐ hospital and medical expenses
- d. ☐ general damage
- e. ☒ property damage
- f. ☐ loss of earning capacity
- g. ☒ other damage (*specify*): Pursuant to the terms of the insurance policy issued by Plaintiff to its insured, Sesar Becerra, Plaintiff made payments to the insureds in the amount of \$343,975.73 and Plaintiff has thereby been damaged and subrogated to the rights of its insured against Defendants in said sum.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: March 22, 2022

Geoffrey A. Kramer

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PI-001 [Rev. January 1, 2007]

**COMPLAINT—Personal Injury, Property
Damage, Wrongful Death**

Page 3 of 3

American LegalNet, Inc.
www.FormsWorkflow.com

PLD-PI-001(5)

SHORT TITLE:
California Automobile Insurance Company v. Amazon.com, Inc., et al.

CASE NUMBER:

CIV SB 2206620

First

CAUSE OF ACTION—Products Liability

Page 4

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint
(Use a separate cause of action form for each cause of action.)

Plaintiff (name): California Automobile Insurance Company

Prod. L-1. On or about (date): October 17, 2018 plaintiff was injured by the following product:
WEECOO™ Two Wheels Smart Self Balancing Scooters Electric Drifting Board

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects.
The product was defective when it left the control of each defendant. The product at the time of injury was being

- ☒ used in the manner intended by the defendants.
☒ used in the manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a

- ☒ purchaser of the product. ☒ user of the product.
☒ bystander to the use of the product. ☐ other (specify):

PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:

Prod. L-4. ☒ **Count One—Strict liability** of the following defendants who

a. ☐ manufactured or assembled the product (names):

☐ Does _____ to _____

b. ☐ designed and manufactured component parts supplied to the manufacturer (names):

☐ Does _____ to _____

c. ☒ sold the product to the public (names): Amazon.com, Inc.

☒ Does 1 _____ to 10 _____

Prod. L-5. ☐ **Count Two—Negligence** of the following defendants who owed a duty to plaintiff (names):

☐ Does _____ to _____

Prod. L-6. ☐ **Count Three—Breach of warranty** by the following defendants (names):

☐ Does _____ to _____

- a. ☐ who breached an implied warranty
b. ☐ who breached an express warranty which was
☐ written ☐ oral.

Prod. L-7. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are
☐ listed in Attachment-Prod. L-7 ☐ as follows:

Page 1 of 1



SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO
San Bernardino District
247 West 3rd St
San Bernardino CA 92415
www.sb-court.org
909-708-8678

California Automobile Insurance Company -v- Amazon.com, Inc et al

NOTICE OF TRIAL SETTING CONFERENCE and NOTICE OF CASE ASSIGNMENT

Case Number

CIVSB2206620

Law Offices of Robert A Stutman PC
1260 Corona Point Court
Suite 306
Corona CA 92879

This case has been assigned to: Khymberli S Apaloo in Department S25 - SBJC for all purposes.

Notice is hereby given that the above-entitled case has been set for Trial Setting Conference on:

Hearing Date: 10/11/2022 at 9:00 AM in Department S25 - SBJC

The Trial Setting Conference will be held in chambers without the appearance of the parties – except for good cause shown. (Local Rule 411.1).

Parties shall file and serve no later than 10 days prior to the trial setting conference the mandatory Initial Trial Setting Conference Statement form (local form #13-09001-360) included with this notice. Prior to the date of the initial trial setting conference, the court may entertain a written stipulation by all appearing parties to continue the initial trial setting conference if filed at least 30 days prior to the conference. In the event an At Issue Memorandum shall be filed and served no later than 15 days prior to the trial setting conference.

Date: 4/11/2022

Nancy CS Eberhardt, Court Executive Officer

By:

Michael Welch II, Deputy Clerk

CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San Bernardino at the above-listed address. I am not a party to this action and on the date and place shown below, I served a copy of the above-listed notice by:

- ☐ Enclosed in a sealed envelope mailed to the interested party addressed above for collection and mailing this date, following standard Court practices.
- ☒ Enclosed in a sealed envelope, first class postage prepaid in the U.S. mail at the location shown above, mailed to the interested party and addressed as shown above or as shown on the attached listing.
- ☐ A copy of this notice was given to the filing party at the counter.
- ☐ A copy of this notice was placed in the bin located at this office and identified as the location for the above law firm's collection of file-stamped documents.

Date of Mailing: 4/11/2022

I declare under penalty of perjury that the forgoing is true and correct. Executed on 4/11/2022 at San Bernardino, CA.

By:

Michael Welch II, Deputy Clerk

EXHIBIT 2

Court Access Portal

Superior Court of California - County of San Bernardino

Case Summary (CIVSB2206620)

07/05/2022 07:52:22

CIVSB2206620

California Automobile Insurance Company
 -v-
 Amazon.com, Inc et al

Case Information

Case Type:	Other PI/PD/WD Unlimited
Case Number:	CIVSB2206620
Citation Number:	
Filing Date:	3/23/2022
Case Status:	Active
Court Location:	San Bernardino
Judicial Officer:	Khymberli S Apaloo
Next Hearing:	10/11/2022 9:00AM Dept S25 - SBJC

Case Flags

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Demographic Information

Date of Birth	
Race:	
Sex:	
Height:	#Error
Weight:	
Hair Color:	
Eye Color:	
DL #:	
FBI #:	
State ID:	

Address

Street Name:	
City:	
State:	
Zip:	

Alias(s) / Nickname(s)

--

Court Access Portal

Superior Court of California - County of San Bernardino

Case Summary (CIVSB2206620)

07/05/2022 07:52:22

Cross Reference

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Parties

Type	Name	Status
Plaintiff	California Automobile Insurance Company	Active
Defendant	Amazon.com, Inc	Active
Defendant	Does 1 to 10	Active

Attorneys

Representing	Name
California Automobile Insurance Company	Law Offices of Robert A Stutman PC

Events

File Date	File Type	Filed By
4/11/2022	Summons Issued and Filed	
4/11/2022	Notice of Hearing Sent	
3/23/2022	Civil Case Cover Sheet Filed	
3/23/2022	Filing Fee Paid by	California Automobile Insurance Company
Comment:	\$435 check paid on 04/11/22 for First Paper Fee	
3/23/2022	Complaint Filed	California Automobile Insurance Company
3/23/2022	Certificate of Assignment Received	

Hearings

Department	Judge	Court Reporter	Type	Date	Time	Result
Department S25 - SBJC	Apaloo, Khymberli S		Trial Setting Conference	10/11/2022	9:00AM	

Court Access Portal

Superior Court of California - County of San Bernardino

Case Summary (CIVSB2206620)

07/05/2022 07:52:22

Charges Disposition & PLEAS

Count	Date	Details	Citation #	Jurisdiction
	Plea:	-		

Financial Transactions

Total	\$435.00	Total Balance:	\$0.00
Date	Charges	Payments	Credits
4/11/2022	\$435.00	\$0.00	\$0.00
4/11/2022	\$0.00	\$435.00	\$0.00
Total	\$435.00	\$435.00	\$0.00

Bonds

Type	Description	Posted Date	Set Date	Amount

Related Cases

Case Number	Case Type	Case SubType	Description	Comments